



## Ontario: Annual Statutes

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1991

### c Pr9 City of Ottawa Act, 1991 (No. 1)

Ontario

This statute received Royal Assent during the part of the First Session of the Thirty-Fifth Legislature which was held in 1991, before the *Revised Statutes of Ontario, 1990* came into force. The statute as reproduced here has been revised pursuant to the *Statutes Revision Act, 1989* to reflect the changes that resulted from the coming into force of the *Revised Statutes of Ontario, 1990*. The Statutes as originally enacted are set out in Volume 1 of the *Statutes of Ontario, 1991*.

Cette loi a reçu la sanction royale au cours de la partie de la première session de la trente-cinquième législature qui s'est tenue en 1991, avant que les *Lois refondues de l'Ontario de 1990* sont entrées en vigueur. La loi reproduite ici a été refondue conformément à la *Loi de 1989 sur la refonte des lois* de manière à refléter les modifications résultant de l'entrée en vigueur des *Lois refondues de l'Ontario de 1990*. Le volume 1 des *Lois de l'Ontario de 1991* reproduit les lois sous la forme dans laquelle elles ont été adoptées.

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#### Bibliographic Citation

*City of Ottawa Act, 1991 (No. 1)*, SO 1991, c Pr9

#### Repository Citation

Ontario (1991) "c Pr9 City of Ottawa Act, 1991 (No. 1)," *Ontario: Annual Statutes*: Vol. 1991, Article 69.

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## CHAPTER Pr9

## An Act respecting the City of Ottawa

Assented to June 27th, 1991

Preamble	<p>The Corporation of the City of Ottawa, referred to in this Act as the Corporation, has applied for special legislation in respect of the matters set out in this Act.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>storage of a vending machine under clause (2) (g) are liens upon the vending machine which may be enforced by the Corporation in the manner provided by the <i>Repair and Storage Liens Act</i>.</p>	
Licensing power	<p>1.—(1) The council of the Corporation may pass by-laws for licensing, regulating and governing the owners and operators of stores, shops and places where tobacco, cigars or cigarettes are sold by retail, including vending machines, and for revoking any such licence, after a hearing.</p>	<p>(4) The owner or operator is, upon request, entitled to inspect a vending machine that has been removed and stored under this section.</p>	Inspection
Idem	<p>(2) A by-law passed under this section may,</p> <ol style="list-style-type: none"> <li>prohibit the sale or offering for sale by retail of tobacco, cigars or cigarettes without a licence;</li> <li>fix a licence fee;</li> <li>fix the time for which the licence shall be in force;</li> <li>prohibit vending machines from being located in areas that are not in full view and under the direct supervision of the licensee or an employee of the licensee at all times;</li> <li>where vending machines are placed in different locations in a building or on a property, require a separate licence for each location;</li> <li>appoint inspectors to enforce the by-law;</li> <li>authorize inspectors, upon giving a receipt therefor, to remove vending machines that are in locations not authorized by the by-law and store them in a suitable place at the expense of the owner or operator of the store, shop or place; and</li> <li>define the terms "owners" and "operators".</li> </ol> <p>(3) Subject to subsections (5) and (6), all costs and charges for the removal, care and</p>	<p>(5) Any vending machine removed and stored in accordance with clause (2) (g) and not claimed by the owner or operator within sixty days after its removal becomes the property of the Corporation and may be sold or disposed of by it.</p> <p>(6) The proceeds of the sale shall form part of the general funds of the Corporation.</p> <p>(7) If the vending machine becomes the property of the Corporation under subsection (5), any tobacco products contained in the vending machines may be destroyed.</p> <p>2.—(1) The owner or operator of the store, shop or place from which a vending machine was removed and stored is, upon request, entitled to a hearing by an official named in the by-law or a committee of the council of the Corporation with respect to whether or not the vending machine was in a location authorized by the by-law.</p> <p>(2) The request for a hearing shall be made within thirty days after the removal of the vending machine and the hearing shall take place within thirty days after the request.</p> <p>(3) The decision of the official or committee of the council is final.</p> <p>3.—(1) For the enforcement of any by-law passed under this Act, an inspector may, upon producing proper identification, enter any store, shop or place where tobacco, cigars or cigarettes are sold by retail during the hours it is open for business.</p> <p>(2) For the purpose of subsection (1), the place where vending machines containing tobacco products are located shall be deemed to be open for business during the period the</p>	<p>Unclaimed property</p> <p>Proceeds</p> <p>Tobacco products</p> <p>Hearing</p> <p>Timing</p> <p>Decision final</p> <p>Powers of entry</p> <p>Special case</p>
Costs of removal			

vending machines are accessible to any person.

Entry to  
dwellings

(3) An inspector shall not, except under the authority of a warrant issued under section 4, enter a place that is being used as a dwelling without the consent of the occupier.

Warrant

**4.—**(1) An inspector who is denied entry to a store, shop or place to conduct an inspection or who is obstructed in his or her attempt to remove vending machines under clause 1 (2) (g), may apply to a justice of the peace for a warrant authorizing the entry or the removal of the vending machines.

Requirement

(2) A warrant may be issued if the justice of the peace is satisfied by information upon oath that an inspector has been denied entry

to carry out an inspection or has been obstructed in an attempt to remove a vending machine.

(3) A warrant issued under this section shall specify the hours and days during which it may be executed. Execution

(4) A warrant expires thirty days after it is issued. Expiry

**5.** A person who hinders or obstructs an inspector lawfully carrying out the enforcement of a by-law passed under this Act is guilty of an offence. Obstruction

**6.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**7.** The short title of this Act is the *City of Ottawa Act, 1991*. Short title